EXHIBIT "A"

FILED
CUSTOMER SERVICE TEAM
SEP 27 2013
SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #8

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Attorneys for plaintiffs

DAISY PENA, as Administratrix Ad Prosequendum and General Administrator of the ESTATE OF GEORGIE J. PENA, DAISY PENA, INDIVIDUALLY and GEORGE VEGA, INDIVIDUALLY	SUPERIOR COURT OF NEW JERSEY LAW DIVISION HUDSON COUNTY
Plaintiffs,	DOCKET NO.: HUD-L-4561-13
vs.	CIVIL ACTION
TOWN OF KEARNY, TOWN OF HARRISON, BOROUGH OF EAST NEWARK, KEARNY POLICE DEPARTMENT, HARRISON POLICE DEPARTMENT, EAST NEWARK POLICE DEPARTMENT, OFFICER TREVOLINO, OFFICER DEREK HEMPHILL, OFFICE CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER RAYMOND McGUIRE, JOHN DOES 1-30 (fictitious names whose true identities are presently unknown), JOHN ROE or JANE ROE, ABC CORPORATION and XYZ PARTNERSHIP (fictitious names whose true identities are presently unknown)	
Defendants.	**COMPLAINT & JURY DEMAND**

Plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, residing at 4 Kearny Avenue in the Town of Kearny, County of Hudson, State of New Jersey, complaining of the above named defendants, says:

FIRST COUNT

1. On October 4, 2011, decedent Georgie Pena, Jr. was discovered dead on the banks of the Passaic River, in Kearny, New Jersey having drowned sometime after September 29, 2011.

2. Plaintiff DAISY PENA is the mother and an heir of decedent GEORGIE PENA. JR, and has applied to be appointed by the Surrogate of Hudson County, by motion returnable September 25, 2013 to be the Administratix Ad Prosequendum with respect to this matter, all other candidates for Appointment having renounced in her favor.

3. Plaintiff, GEORGE VEGA, is the father and an heir of the decedent GEORGIE PENA, JR.

4. Defendant RAYMOND McGUIRE and defendants JOHN DOE and/or JOHN DOES 1 to 10 (said names being fictitious) were at all times pertinent hereto police officers and/or supervisory police officers employed by defendant, TOWN of HARRISON POLICE DEPARTMENT, and the defendant TOWN OF HARRISON, a municipality located in Hudson County and State of New Jersey, acting as an individual and/or under color of law.

5. Defendant JOHN TREVOLINO, defendant OFFICER DEREK HEMPHILL, defendant OFFICER CHRISTIAN MEDINA, defendant OFFICER RICHARD SHIVERS (said defendant's first name being fictitious as it is unknown at this time) and defendants JOHN DOE and/or JOHN DOES 11 to 20 (said names being fictitious) were at all times

pertinent hereto police officers and/or supervisory police officers employed by the defendant, TOWN OF KEARNY POLICE DEPARTMENT, and defendant TOWN OF KEARNY, a municipality located in the County of Hudson, and State of New Jersey, acting as an individual and/or under color of law.

6. Defendants JOHN DOE and/or JOHN DOES 21 to 30 (said names being fictitious) were at all times pertinent hereto police officers and/or supervisory police officers employed by the defendant, BOROUGH OF EAST NEWARK POLICE DEPARTMENT, and defendant BOROUGH OF EAST NEWARK, a municipality located in Hudson County, and State of New Jersey, acting as an individual and/or under color of law.

7. On September 29, 2011 and at all times pertinent to this matter plaintiff's decedent GEORGIE PENA, JR., was under the influence of alcohol and/or other drug or narcotic so that his mental and physical faculties were severely and substantially impaired to the extent that he was unable to function independently or otherwise provide for his own safety and care.

8. At approximately 8:00 PM on September 29, 2011 decedent, GEORGIE PENA JR., entered RJM Mini Market, located at 300 North 3rd Street, in Harrison, New Jersey.

9. GEORGIE PENA, JR., upon entry to the store, was seen to be severely intoxicated, being unable to stand up or walk without losing his balance.

10. While in said store, the decedent was seen attempting to surreptitiously take bags of potato chips with the consequence that the Harrison Police were dispatched to the scene.

11. At approximately 8:03 PM defendant HARRISON POLICE DEPARTMENT OFFICER RAYMOND McGUIRE arrived at RJM Mini Market and commenced an investigation into the situation.

12. Upon his arrival at the store defendant HARRISON POLICE DEPARTMENT OFFICER RAYMOND McGUIRE was told by the employee in charge of the store that he did not want to press any charges against the decedent. However, a search of the decedent for weapons, conducted by OFFICER RAYMOND McGUIRE incident to his detention of the decedent produced a bag that containing what defendant OFFICER RAYMOND McGUIRE believed to be a controlled dangerous substance.

13. OFFICER RAYMOND McGUIRE took decedent under arrest for "Possession of CDS". The decedent was arrested and taken into the custody of defendant, HARRISON POLICE DEPARTMENT.

14. Upon arrival at the HARRISON POLICE DEPARTMENT the decedent was immediately processed by defendant HARRISON POLICE DEPARTMENT OFFICERS RAYMOND McGUIRE, JOHN DOE and/or JOHN DOES 1-10 (names being fictitious as unknown at this time) and issued a summons to appear in the Harrison Municipal Court on a charge of possession of a controlled dangerous substance.

15. The decedent was then released by the defendant Harrison Police and defendants Harrison Police Officers McGuire and John Doe and/or John Does 1-10 despite their knowledge that the decedent was under the influence of alcohol and/or other drug or narcotic so that his mental and physical faculties were severely and substantially impaired to the extent that he was unable to function independently or otherwise provide for his own safety and care.

16. Defendant HARRISON POLICE DEPARTMENT and defendants Harrison Police OFFICERS RAYMOND McGUIRE and JOHN DOE and/or JOHN DOES 1-10 despite their with knowledge of decedent's severe intoxication and his mentally and physically impaired condition carelessly, negligently, recklessly or intentionally failed to act in the best interests of the decedent pursuant to applicable laws, regulations and/or police standards, policies, procedures and protocols by keeping the decedent in their custody at police headquarters, or escorting him to his residence, a medical facility, or other safe and appropriate place.

17. Later in the evening hours of September 29, 2011, and following his release from custody by the defendant HARRISON POLICE DEPARTMENT, the decedent entered the Exxon Gas Station Market, located on the corner of Belgrove Drive and Passaic Avenue, in Kearny, New Jersey.

18. Upon entering the Exxon store, the store's attendant immediately noticed that decedent was intoxicated and ordered the decedent to leave.

19. Decedent left the Exxon store as directed, walking directly across the street to a Citgo Gas Station where he was observed to be unbalanced, and unable to stand up due to his high level of intoxication.

20. The decedent then left the Citgo station and began to walk east on Belgrove Drive in Kearny, New Jersey.

21. As the decedent walked along Belgrove Drive he was stopped, detained, questioned, and interrogated by a number of defendant TOWN OF KEARNY POLICE DEPARTMENT OFFICERS including defendants, OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, and JOHN DOES 11-20 (the latter being fictitious names of Town of Kearny police Officers whose true identities are presently unknown).

22. After being detained and interrogated by defendant, TOWN OF KEARNY POLICE DEPARTMENT OFFICERS, HEMPHILL, MEDINA, SHIVERS, TRAVELINO, and JOHN DOES 11-20 (the latter being fictitious names of Kearny Police Officers whose true identities are presently unknown) decedent, GEORGIE PENA, JR., was released and ordered by said defendants to change his direction of travel.

23. Defendants, OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, and JOHN DOES 11-20 (fictitious names of Town of Kearny police officers whose true identities are presently unknown) with knowledge of decedent's severe intoxication and his mentally and physically impaired condition carelessly, negligently, or recklessly failed to act in the best interests of the decedent pursuant to applicable laws, regulations and/or police standards, policies, procedures and protocols by failing to keep the decedent in their custody and/or removing him to police headquarters, his residence, an appropriate medical facility, or other safe and appropriate place.

24. Thereafter, decedent drunkenly stumbled west on Belgrove Drive, back to its intersection with Passaic Avenue, in Kearny, and proceeded to attempt to walk north on Passaic Avenue.

25. As decedent attempted to walk north on Passaic Avenue, he was unable to keep his balance due to his severe intoxication, repeatedly stumbling and falling into the roadway of Passaic Avenue thereby endangering himself as well as traffic moving on Passaic avenue.

26. Thereafter, Defendant TOWN OF KEARNY OFFICERS, HEMPHILL, MEDINA, SHIVERS, TRAVELINO, and JOHN DOES 11 to 20 (fictitious names of Town of Kearny Police Officers whose true identities are presently unknown), re-encountered decedent in the early morning hours of September 30, 2011 at which time they carelessly, negligently and recklessly failed to render or call for assistance for the decedent, leaving him unaided in a dangerous condition and situation.

27. At that time and place, defendant JOHN DOES 21 to 30, police officers and/or police supervisory officers employed by the defendant, BOROUGH OF EAST NEWARK(fictitious names of Borough of East Newark Police Officers whose true identities are presently unknown), encountered decedent in the early morning hours of September 30, 2011 at which time they carelessly, negligently and recklessly failed to render, or call for assistance for the decedent, leaving him in a dangerous condition and situation.

28. Thereafter, on October 4, 2011 the decedent was discovered dead on the banks of the Passaic River having drowned in the Passaic River near where he had been last encountered and left by said defendant police officers.

29. As a result of the careless, negligent, or reckless acts and/or omissions of the defendants as set forth above, the decedent GEORGIE PENA, JR., suffered serious emotional and bodily injuries resulting in his death.

30. Plaintiffs, as decedent's surviving parents and relatives are entitled to recover damages as decedent would have if he were living, as a result of the acts and/or omissions of the defendant as specifically pled herein pursuant to N.J.S.A. 2A:15-3.

31. Plaintiffs are entitled to recover punitive damages and damages for pain and suffering caused the decedent from the acts and omissions of the defendants as specifically pled herein, including without limitation punitive damages if available pursuant to N.J,.S.A., 2A:15-3..

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against said defendants, jointly, severally, or in the alternative, for the damages resulting from the death of the decedent relative including without limitation, decedent's pecuniary injury, together with all hospital, medical, funeral and burial expenses as specifically provided for under the New Jersey Wrongful Death Act. N.J.S.A. 31-1 et. seq., as well as compensatory damages, exemplary damages, attorney's fees, interest and cost of suit, including without limitation, punitive damages, if allowed, as provided for under the New Jersey Survivor's Act, N.J.S.A. 2A:15-3 et. seq. and all other such damages and other relief as may be permitted by law and/or as the Court deems just.

SECOND COUNT

1. Plaintiff repeats each and every allegation contained in the previous Count of the Complaint as if same were repeated at length herein.

2. As a direct and proximate result of the actions and inactions of the defendants, the decedent was caused to sustain severe bodily injuries causing him to suffer before his death.

3. Plaintiffs, on behalf of the decedent's estate, seeks damages compensable and permitted under New Jersey's Survival Act, N.J.S.A. 2A:15-3 et. Seq. (or any successor statute) against the defendants.

4. Plaintiffs in their own, individual right seek damages compensable or permitted compensable under the Survival Act, N.J.S.A 2A:15-3 et. Seq. (or any successor statute) against said defendants.

WHEREFORE, Plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages including punitive damages where, and as permitted, together with interest, costs of suit and attorney's fees and such other relief as may be permitted by law and/or as the Court deems just.

THIRD COUNT

1. Plaintiff repeats each and every allegation contained in the previous Counts of the Complaint as if same were repeated at length herein.

2. Said defendants acted maliciously, willfully, knowingly, intentionally, unconscionably and/or with reckless indifference in their acts, or failure to act in providing assistance to the decedent as set forth hereinabove.

3. As a direct and proximate result of the wrongful conduct of said defendants the decedent was caused to sustain injuries causing him great emotional and physical pain and resulting in his death by drowning.

WHEREFORE, Plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages including punitive damages where and as permitted, together with interest, costs of suit and attorney's fees and such other relief as may be permitted by law and/or as the Court deems just.

FOURTH COUNT

1. Plaintiff repeats each and every allegation contained in the previous Counts of the Complaint as if same were repeated at length herein.

2. Said defendants police officers assaulted and battered the decedent with malicious intent, and with the purpose towards harming the decedent and inflicting severe and serious physical injury upon him.

3. As a direct and proximate result of the wrongful conduct of said defendants the decedent was caused to sustain injuries causing him great emotional and physical pain and resulting in his death by drowning.

WHEREFORE, Plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages including punitive damages where and as permitted, together with interest, costs of suit and attorney's fees and such other relief as may be permitted by law and/or as the Court deems just.

FIFTH COUNT

NJ CIVIL RIGHTS ACT N.J.S.A. 10:6-2 et. Seq.

1. Plaintiff repeats each and every allegation contained in the previous Counts of the Complaint as if same were repeated at length herein.

2. Defendants are liable under the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, et. Seq., for damages caused by their subjection of plaintiff's decedent to the deprivation of rights and privileged secured by the Constitution of the United States, as well as substantive rights, privileges, or immunities secured by the Constitution of the State of New Jersey, which directly and proximately resulted in the death of decedent on or about September 29, 2011 in that:

(a) Any and all police officers that interacted with decedent from September 29, 2011 through September 30, 2011 were aware of decedent's intoxication and his potential to suffer harm because of his profoundly impaired faculties;

(b) Defendants either voluntarily assumed responsibility, or failed to take decedent into custody, conducted a reckless and unwarranted pursuit, knowingly placed and/or forced decedent into a dangerous and unsafe circumstance, and/or released him from custody despite their knowledge of his dangerous intoxication and in so doing created a danger and increased the foreseeable and direct risk that decedent, GEORGIE PENA, JR., might be seriously injured or killed;

(c) Defendants here, by use of their authority and power, did create this foreseeable and direct risk of death or serious bodily injury and, without which, said risk and/or opportunity would not have existed;

(d) Defendants acted with a deliberate or reckless indifference, willful disregard, or in such an arbitrary or abusive manner so as to shock the conscience;

(e) Defendant's action deprived decedent, GEORGIE PENA, JR., of his right to substantive due process and his liberty interest in personal security in violation of the rights secured to him by the Constitution of the United States, as well as substantive rights, privileges, or immunities secured by the Constitution of the State of New Jersey.

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages, together with interest and costs of suit.

SIXTH COUNT

1. Plaintiff repeats each and every allegation contained in the previous Counts of the Complaint as if same were repeated at length herein.

2. The aforesaid conduct of defendants, OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER TRAVELINO, OFFICER SHIVERS, and JOHN DOES 1-10 (fictitious names whose true identities are presently unknown), JOHN DOES 11-20 (fictitious names whose true identities are presently unknown) was done in a reckless, unlawful and negligent manner and without any legal

just cause and in violation of state and municipal regulations concerning the interaction of law enforcement officers with the general public and/or those individuals within, or that should be within, their custody.

3. At all relevant times, the defendants OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER TRAVELINO, OFFICER SHIVERS, and JOHN DOES 1-10 (fictitious names whose true identities are presently unknown), were acting within the scope of their authority as police officers of the Township of Kearny. The Township is therefore vicariously liable to plaintiff.

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages, together with interest and costs of suit.

SEVENTH COUNT

1. Plaintiff repeats each and every allegation contained in the previous Counts of the Complaint as if same were repeated at length herein.

2. Defendants, HARRISON POLICE DEPARTMENT, OFFICER RAYMOND McGUIRE, KEARNY POLICE DEPARTMENT, OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, and JOHN DOES 1-10 (fictitious names whose true identities are presently unknown), JOHN DOES 11-20 (fictitious

names whose true identities are presently unknown) acted negligently and/or with a deliberate or reckless indifference, callous disregard, or in such an arbitrary or abusive manner so as to shock the conscience in failing to immediately summon emergency medical assistance upon their arrest of, and/or various encounters with, decedent, GEORGIE PENA, JR., as they knew, or should have known, that the great level of intoxication decedent was in, at all relevant times, would render him incapable of exercising care for his own safety.

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages, together with interest and costs of suit.

EIGHTH COUNT

1. Plaintiff repeats each and every allegation contained in the previous Counts of the Complaint as if same were repeated at length herein.

2. Defendant's OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, and JOHN DOES 11-20 (fictitious names whose true identities are presently unknown), acted negligently and/or with a deliberate or reckless indifference, callous disregard, or in such an arbitrary or abusive manner so as to shock the conscience in failing to

provide assistance or aid to decedent, GEORGIE PENA, JR., when they refused and/or failed to provide basic lifesaving assistance, or failed to timely summon assistance to decedent upon his entry into the Passaic River, and, at all relevant times, defendants knew or should have known that decedent did not know how to swim and, due to his level of intoxication could not perform any motion to prevent himself from drowning.

3. Defendant's OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, and JOHN DOES 11-20 (fictitious names whose true identities are presently unknown), had a duty to provide aid, or to timely summon aid, to decedent to prevent him from drowning.

4. Defendant's OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, and JOHN DOES 11-20 (fictitious names whose true identities are presently unknown), acted negligently, deliberately, recklessly, or with deliberate indifference in failing to conduct prompt rescue efforts which would have had a substantial possibility of being successful and thereby directly contributed to the death of decedent.

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages, together with interest and costs of suit.

NINTH COUNT

1. Plaintiff repeats each and every allegation in the previous Counts of the Complaint in their entirety as set forth fully herein.

2. Defendants, the TOWNSHIP OF HARRISON, HARRISON POLICE DEPARTMENT, POLICE OFFICER RAYMOND McGUIRE, JOHN DOES 1-10 (fictitious names whose present identities are presently unknown), TOWNSHIP OF KEARNY, KEARNY POLICE DEPARTMENT, OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER TRAVELINO, OFFICER SHIVERS, and JOHN DOES 11-20 (fictitious names whose true identities are presently unknown), by and through their policy makers failed to ensure through custom, policy and/or practice that their police officers or staff would obey, follow, and otherwise abide by appropriate and/or required protocol and procedures in the handling, responsibilities, custody, and care of intoxicated individuals.

3. The defendants, and/or other final policy makers had actual or constructive notice of the failure of its police officers and/or staff to obey follow, and/or enforce appropriate and/or required techniques, protocols, and procedures in the handling, responsibilities, custody, and care of intoxicated individuals and, based upon this, it was foreseeable that the failure to do so would result in preventable and unnecessary injury and death of decedent.

4. The defendants failed to adequately supervise and enforce the adherence by their police officer's and staff to the protocols, policies, and procedures in appropriately handling, monitoring, retaining, and the custody of intoxicated individuals such that, it was foreseeable that constitutional violations of the type plaintiff's decedent suffered would be a predictable result of such failures.

5. Such failures to supervise and discipline, were conducted under color of state law and such unconstitutional customs, practices, and/or policies amounted to gross negligence, deliberate indifference, or intentional conduct, and were the moving force behind plaintiff's decedent's death.

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages, together with interest and costs of suit.

TENTH COUNT

1. Plaintiff repeats each and every allegation in the previous Counts of the Complaint in their entirety as said forth fully herein.

2. JOHN DOES 1-30 (fictitious names whose true identities are presently unknown), performed functions as a state actor, acting deliberately, recklessly, and under of color of law, was, at all relevant times, in a supervisory capacity of the defendants, KEARNY POLICE DEPARTMENT, HARRISON POLICE DEPARTMENT, and EAST NEWARK POLICE DEPARTMENT with oversight responsibility for training, hiring, screening, instruction, supervision, and discipline of police officers including, but not limited to, OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, OFFICER RAYMOND McGUIRE, and additional JOHN DOES 1-30 (fictitious names whose true identities are presently unknown), who deprived plaintiff's decedent of his constitutional rights

3. As a result of JOHN DOES 1-30 (fictitious names whose true identities are presently unknown), policy, custom, instruction, or training, subordinate police officers including, but not limited to, OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, OFFICER RAYMOND McGUIRE failed to undertake the necessary measures to secure the safety and well-being of plaintiff's decedent despite their knowledge of his intoxication and the danger he posed to himself and the community at large.

4. With full knowledge of the inadequate policies, procedures, customs, practices, teachings, training, supervision, and instructions, JOHN DOES 1-30 (fictitious names whose true identities are presently unknown), by reason of poor decision making and/or flawed administration, deliberately failed to communicate and instruct subordinate officers regarding appropriate actions, tactics, policies, rules, regulations, and requirements in the handling, custody, and retention of intoxicated individuals and failed to discipline, counsel and/or retrain police officers who violated said policies

5. The failure of JOHN DOES 1-30 (fictitious names whose true identities are presently unknown), to address the foregoing issues through training, supervision and/or discipline and to anticipate the reasonably foreseeable events surrounding decedent's death, constituted deliberate indifference to the constitutional rights of the decent and lead directly to the decedent's death. The aforementioned lack of adequate supervision and the implementation, maintenance and tolerance of policies, practices, and customs aforesaid, represent systematic failures, which are customs and policies of the defendants, KEARNY POLICE DEPARTMENT, HARRISON POLICE DEPARTMENT, and EAST NEWARK POLICE DEPARTMENT, and led directly to the death of plaintiff's decedent.

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages, together with interest and costs of suit.

ELEVENTH COUNT

1. Plaintiff repeats each and every allegation contained in the previous Counts of the Complaint as if same were repeated at length herein.

2. As a direct and proximate cause of the negligent employment, training and/or supervision by the defendants, TOWN OF HARRISON, TOWN OF KEARNY, BOROUGH OF EAST NEWARK, HARRISON POLICE DEPARTMENT, KEARNY POLICE DEPARTMENT, EAST NEWARK POLICE DEPARTMENT, OFFICER RAYMOND McGUIRE, OFFICER DEREK HEMPHILL, OFFICER CHRISTIAN MEDINA, OFFICER SHIVERS, OFFICER TRAVELINO, and JOHN DOES 1-30 (fictitious names whose true identities are presently unknown), the plaintiff incurred substantial pain, as well as a substantial deprivation of his civil and constitutional rights.

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants for damages, together with interest and costs of suit.

TWELFTH COUNT

1. Plaintiff repeats each and every allegation contained in the previous Counts of the Complaint as if same were repeated at length herein.

2. At all relevant times herein defendants, JOHN ROE or JANE ROE, ABC CORPORATION and XYZ PARTNERSHIP (fictitious names whose true identities are presently unknown), are corporations, entities, or individuals whose identities are unknown at the present but who are persons and/or business establishments that sold and/or served alcoholic beverages to decedent GEORGIE PENA JR., or who allowed alcoholic beverages to be sold and/or served to him prior to the aforesaid incidents ultimately leading to the death of GEORGIE PENA, JR.

3. At the time and place aforesaid defendants, JOHN ROE or JANE ROE, ABC CORPORATION and XYZ PARTNERSHIP (fictitious names whose true identities are presently unknown), directly or through their agents, servants, and/or employees, negligently, carelessly, and recklessly furnished alcoholic beverages to decedent GEORGIE PENA, JR.

4. Decedent GEORGIE PENA, JR., then became intoxicated as a result of drinking the alcoholic beverages furnished to him by JOHN ROE or JANE ROE, ABC CORPORATION and XYZ PARTNERSHIP (fictitious names whose true identities are presently unknown), and thus became substantially impaired and a danger to himself

and others, resulting in the incidents contributing to the death of GEORGIE PENA, JR.

5. As a direct and proximate result of the negligence, recklessness, and/or willful and wanton conduct of the defendants, JOHN ROE or JANE ROE, ABC CORPORATION and XYZ PARTNERSHIP (fictitious names whose true identities are presently unknown), decedent, GEORGIE PENA, JR., became a danger both to himself and others members of the public to such an extent that it proximately caused his death.

WHEREFORE, plaintiff, DAISY PENA as Administratrix Ad Prosequendum of the ESTATE of GEORGIE J. PENA, DIASY PENA, individually, GEORGE VEGA, individually, demands judgment against the defendants, JOHN ROE or JANE ROE, ABC CORPORATION and XYZ PARTNERSHIP (fictitious names whose true identities are presently unknown), for damages, together with interest and costs of suit.

JURY DEMAND

TAKE NOTICE that demand is hereby made for trial by jury as to all issues.

BRADY, BRADY & REILLY, LLC
Attorneys for Plaintiffs

By: [signature]
KATHLEEN M. REILLY, ESQ.

Dated: September 27, 2013

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, KATHLEEN M. REILLY, ESQ., is hereby designated as Trial Counsel of this matter.

BRADY, BRADY & REILLY, LLC
Attorneys for Plaintiff

By: ______________________
KATHLEEN M. REILLY, ESQ.

Dated: September 27, 2013

CERTIFICATION

Pursuant to the requirements of Rule 4:5-1, (NOTICE OF OTHER ACTIONS), I, the undersigned, do hereby certify, to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy referred to in the within pleading is not the subject of any other Cause of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated;

1. OTHER ACTIONS PENDING........................ YES___ NO XX
   A. If YES - Parties to other Pending Actions.
   B. In my opinion, the following parties should be joined in the within pending Cause of Action.

2. OTHER ACTIONS CONTEMPLATED..................... YES___ NO XX
   A. If YES - Parties contemplated to be joined, in other Causes of Action.

3. ARBITRATION PROCEEDINGS PENDING............... YES___ NO XX
   A. If YES - Parties to arbitration Proceedings
   B. In my opinion, the following parties should be joined in the pending Arbitration Proceedings.

4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED.... YES___ NO XX
   A. If YES - Parties contemplated to be joined to Arbitration Proceedings.

In the event, that during the pendency of the within Cause of Action, I shall become aware of any change as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

BRADY, BRADY & REILLY, LLC
Attorneys for Plaintiffs

By: ______________________
KATHLEEN M. REILLY, ESQ.

Dated: September 27, 2013

Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under *Rule* 4:5-1
Pleading will be rejected for filing, under *Rule* 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed

FOR USE BY CLERK'S OFFICE ONLY	
PAYMENT TYPE:	☐CK ☐CG ☐CA
CHG/CK NO.	
AMOUNT:	
OVERPAYMENT:	
BATCH NUMBER:	

ATTORNEY / PRO SE NAME KATHLEEN M. REILLY, ESQ.	TELEPHONE NUMBER 201-997-0030	COUNTY OF VENUE HUDSON
FIRM NAME (if applicable) BRADY, BRADY & REILLY, LLC		DOCKET NUMBER (when available) HUD-L-4561-13
OFFICE ADDRESS 377 KEARNY AVENUE KEARNY, NEW JERSEY 07032		DOCUMENT TYPE COMPLAINT
		JURY DEMAND ☒ YES ☐ NO

NAME OF PARTY (e.g., John Doe, Plaintiff) Daisy Pena, as Administratix ad Prose	CAPTION PENA VS. TOWN OF KEARNY, et als
CASE TYPE NUMBER (See reverse side for listing) 005 HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE *N.J.S.A.* 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.
RELATED CASES PENDING? ☐ YES ☒ NO	IF YES, LIST DOCKET NUMBERS
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☒ NO	IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO	IF YES, FOR WHAT LANGUAGE?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

ATTORNEY SIGNATURE: [signature]

Side 2

CIVIL CASE INFORMATION STATEMENT
(CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery
151 NAME CHANGE
175 FORFEITURE
302 TENANCY
399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
502 BOOK ACCOUNT (debt collection matters only)
505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
506 PIP COVERAGE
510 UM or UIM CLAIM (coverage issues only)
511 ACTION ON NEGOTIABLE INSTRUMENT
512 LEMON LAW
801 SUMMARY ACTION
802 OPEN PUBLIC RECORDS ACT (summary action)
999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery
305 CONSTRUCTION
509 EMPLOYMENT (other than CEPA or LAD)
599 CONTRACT/COMMERCIAL TRANSACTION
603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
605 PERSONAL INJURY
610 AUTO NEGLIGENCE – PROPERTY DAMAGE
621 UM or UIM CLAIM (includes bodily injury)
699 TORT – OTHER

Track III - 450 days' discovery
005 CIVIL RIGHTS
301 CONDEMNATION
602 ASSAULT AND BATTERY
604 MEDICAL MALPRACTICE
606 PRODUCT LIABILITY
607 PROFESSIONAL MALPRACTICE
608 TOXIC TORT
609 DEFAMATION
616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
617 INVERSE CONDEMNATION
618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery
156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
303 MT. LAUREL
508 COMPLEX COMMERCIAL
513 COMPLEX CONSTRUCTION
514 INSURANCE FRAUD
620 FALSE CLAIMS ACT
701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)
266 HORMONE REPLACEMENT THERAPY (HRT)
271 ACCUTANE/ISOTRETINOIN
274 RISPERDAL/SEROQUEL/ZYPREXA
278 ZOMETA/AREDIA
279 GADOLINIUM
281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL
282 FOSAMAX
284 NUVARING
285 STRYKER TRIDENT HIP IMPLANTS
286 LEVAQUIN
287 YAZ/YASMIN/OCELLA
288 PRUDENTIAL TORT LITIGATION
289 REGLAN
290 POMPTON LAKES ENVIRONMENTAL LITIGATION
291 PELVIC MESH/GYNECARE
292 PELVIC MESH/BARD
293 DEPUY ASR HIP IMPLANT LITIGATION
295 ALLODERM REGENERATIVE TISSUE MATRIX
296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS
297 MIRENA CONTRACEPTIVE DEVICE
601 ASBESTOS
623 PROPECIA

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics.

Please check off each applicable category ☐ **Putative Class Action** ☐ **Title 59**

COUNTY	[illegible] CLERK	LEGAL AID	LEGAL SERVICES
Atlantic	1201 B[illegible]charach Boulevard Atlantic City, NJ 08330	609-3[illegible] 4200	609-345-3444
Bergen	Justice Center 1 Court Street Hackensack, NJ 07601	201-487-2166	201-488-0044 201-692-1011
Burlington	49 Rancocas Road Mt. Holly, NJ 08060	609-261-1088	609-261-4862
Camden	Hall of Justice 101 S. 5th Street Camden, NJ 08103	856-964-1002	856-964-4520
Cape May	9 Main Street Cape May Court House, NJ 08210	609-465-3001	609-463-0313
Cumberland	Broad & Fayette Streets Bridgeton, NJ 08302	856-692-2400	856-692-6207
Essex	50 W. Market Street Newark, NJ 07102	973-622-1513	973-622-6207
Gloucester	1 N. Broad Street Woodbury, NJ 08096	856-848-5360	856-848-4589
Hudson	Administration Building 595 Newark Avenue Jersey City, NJ 07306	201-792-6363	201-798-2727
Hunterdon	65 Park Avenue Flemington, NJ 08822	908-782-7979	908-735-2611
Mercer	PO Box 8068 Trenton, NJ 08650	609-695-6249	609-890-6200
Middlesex	1 Kennedy Square New Brunswick, NJ 08903	732-249-7600	732-828-0053
Monmouth	71 Monument Park Freehold, NJ 07728	732-747-7400	732-431-5544
Morris	PO Box 900 Morristown, NJ 07963	973-285-6911	973-267-5882
Ocean	118 Washington Street Toms River, NJ 08754	732-341-2727	732-240-3666
Passaic	77 Hamilton Street Paterson, NJ 07505	973-345-7171	973-278-9223
Salem	92 Market Street Salem, NJ 08079	856-451-0003	856-608-0363
Somerset	PO Box 3000 Somerville, NJ 08876	908-231-0840	908-685-2323
Sussex	43-47 High Street Newton, NJ 07860	973-383-7400	973-267-5882
Union	2 Broad Street Elizabeth, NJ 07207	908-527-4769	908-353-4715
Warren County	2nd & Hardwick Street Belvidere, NJ 07823	908-475-2010	908-267-5882